



## **COUNCIL CHAMBERS**

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

<b>COUNCIL MEMBERS</b>	<b>REDEVELOPMENT AGENCY</b>	<b>FINANCING AUTHORITY</b>
Dennis Kennedy, Mayor	Dennis Kennedy, Chair	Dennis Kennedy, President
Greg Sellers, Mayor Pro Tempore	Greg Sellers, Vice-Chair	Greg Sellers, Vice-President
Larry Carr, Council Member	Larry Carr, Agency Member	Larry Carr, Authority Commissioner
Hedy Chang, Council Member	Hedy Chang, Agency Member	Hedy Chang, Authority Commissioner
Steve Tate, Council Member	Steve Tate, Agency Member	Steve Tate, Authority Commissioner

**WEDNESDAY, JANUARY 14, 2004**

**AGENDA**

**JOINT MEETING**

**CITY COUNCIL SPECIAL AND REGULAR MEETING**

**and**

**REDEVELOPMENT AGENCY SPECIAL MEETING**

**and**

**MORGAN HILL FINANCE AUTHORITY COMMISSION**

**5:00 P.M.**

***A Special Meeting of the City Council, Redevelopment Agency,  
and Finance Authority is Called at 5:00 P.M. for the Purpose  
of Conducting City Business, Closed Sessions, and a Workshop.***

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**Dennis Kennedy, Mayor/Chairman/President**

**CALL TO ORDER**

(Mayor/Chairperson/President Kennedy)

**ROLL CALL ATTENDANCE**

(City Clerk/Agency Secretary/Authority Secretary Torrez)

**DECLARATION OF POSTING OF AGENDA**  
**Per Government Code 54954.2**  
(City Clerk/Agency Secretary/Authority Secretary Torrez)

**5:00 P.M.**

***City Council Action***

**OTHER BUSINESS:**

	<b>Time Estimate</b>		<b>Page</b>
1.	30 Minutes	<b><u>APPOINTMENTS/INTERVIEWS TO THE ARCHITECTURAL AND SITE REVIEW BOARD (ARB) AND CONSIDERATION TO AMEND THE MUNICIPAL CODE REGARDING TERMS OF BOARDS AND COMMISSIONS</u></b> .....1 <b><u>Recommended Action(s):</u></b> 1. a) <b><u>Approve</u></b> the Mayor's Appointment of Incumbent Board Members Jim Fruit, Jerry Pyle and Rod Martin to Serve Terms Expiring March 1, 2005; <b><u>OR</u></b> b) <b><u>Interview</u></b> Incumbents Along With the Other ARB Applicants; 2. <b><u>Conduct</u></b> Interviews to Fill One (1) Vacancy [ <b><u>OR</u></b> Four (4) Vacancies], with Terms Ending March 1, 2004; 3. <b><u>Direct</u></b> Staff to Return with a Draft Ordinance Amending the Terms of Office.	

***City Council Action and Redevelopment Agency Action***

**CLOSED SESSION:**

**1.**  
**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**  
Authority: Government Code Sections 54956.9(b) & (c)  
Number of Potential Cases: 2

**2.**  
**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**  
Authority: Government Code section 54956.9(a)  
Case Name: Cole v. City of Morgan Hill  
Case Number: SJ WCAB 0144030

**3.**  
**EXISTING LITIGATION:**  
Legal Authority: Government Code 54956.9(a)  
Case Title: Bob Lynch Ford, Inc. v. Timothy Paulus, et al  
Case Name/No.: Santa Clara County Superior Court Case No. 1-03-CV 001657  
Attendees: City Manager, City Attorney

4.

**EXISTING LITIGATION:**

Legal Authority:	Government Code 54956.9(a)
Case Title:	Oregon Mutual v. City of Morgan Hill
Case Name/No.:	Santa Clara County Superior Court, Case No. 1-03-CV005398
Attendees:	City Manager, Public Works Director, Special Counsel Mark Strombotne, City Attorney

**OPPORTUNITY FOR PUBLIC COMMENT**

**ADJOURN TO CLOSED SESSION**

**RECONVENE**

**CLOSED SESSION ANNOUNCEMENT**

6:00 P.M.

***City Council and Redevelopment Agency Action***

**WORKSHOP:**

	Time Estimate		Page
2.	60 Minutes	<b><u>WORKSHOP ON REQUEST FOR PROPOSALS FOR THE POLICE FACILITY (17605 MONTEREY ROAD)</u></b> .....	13
		<b><u>Recommended Action(s): Receive</u></b> Presentations from Two Proposers Submitting Responses to the Request for Proposals (RFP) for the Police Facility. (City Council Subcommittee will present its Recommendations January 21, 2004.)	

7:00 P.M.

**SILENT INVOCATION**

**PLEDGE OF ALLEGIANCE**

**INTRODUCTION**

Recreation Supervisor, Aquatics Center - Aaron Himelson  
*Recreation and Community Services Manager Spier*

**CITY COUNCIL REPORT**

Council Member Chang

**CITY COUNCIL SUB-COMMITTEE REPORTS**

**CITY MANAGER'S REPORT**

**CITY ATTORNEY'S REPORT**

**OTHER REPORTS**

**PUBLIC COMMENT**

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.**

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME  
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND  
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE  
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY  
COUNCIL/REDEVELOPMENT AGENCY.**

## ***City Council Action***

**CONSENT CALENDAR:**

**ITEMS 3-5**

The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

**Time Estimate**

**Page**

**Consent Calendar: 1 - 10 Minutes**

3. **MEASURE B – A BALLOT MEASURE TO CONTINUE SUPPORT FOR SANTA CLARA COUNTY LIBRARIES**..... 15  
**Recommended Action(s):** **Support** the Resolution for the Measure B Ballot for Operational Library Support.
4. **RESOLUTION FOR CYCLE III PROPOSITION 14 LIBRARY BOND ACT GRANT APPLICATION**..... 19  
**Recommended Action(s):** **Adopt** Resolution Authorizing City Staff to Submit Grant Application to the State of California Office of Library Construction on or Before January 16, 2004.
5. **CONTRACT FOR CONSULTANT SERVICES FOR ENVIRONMENTAL REVIEW OF THE IMPLEMENTATION OF THE DOWNTOWN DESIGN PLAN**..... 25  
**Recommended Action(s):**
  1. **Approve** a Contract for Consultant Services to Complete the Downtown Plan Environmental Review; and
  2. **Authorize** the City Manager to Execute a Consultant Services Agreement with David J. Powers & Associates for Contract Consultant Services at a Cost Not to Exceed \$109,000; Subject to Review and Approval by the City Attorney.

## ***City Council and Redevelopment Agency Action***

### **CONSENT CALENDAR:**

#### **ITEMS 6-7**

	<b>Time Estimate</b>	<b>Page</b>
	<b>Consent Calendar: 1 - 10 Minutes</b>	
6.	<b><u>APPROVE MINUTES FOR JOINT SPECIAL CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING OF DECEMBER 10, 2003.</u></b>	<b>43</b>
7.	<b><u>APPROVE MINUTES FOR JOINT SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING OF DECEMBER 17, 2003.</u></b>	<b>51</b>

## ***City Council Action***

### **PUBLIC HEARINGS:**

	<b>Time Estimate</b>	<b>Page</b>
8.	<b>15 Minutes</b>	
	<b><u>APPEAL OF FINDING OF INCONSISTENCY WITH THE GENERAL PLAN AND REJECTION OF MEASURE P APPLICATION MP-03-09. APPEAL APPLICATION AP-03-07: WEST MAIN-VIERRA</u></b>	<b>91</b>
	Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <b><u>Council Discretion.</u></b> Should the City Council Wish to Grant the Appeal, <b><u>Adoption</u></b> of Resolution is Recommended.	
9.	<b>5 Minutes</b>	
	<b><u>RESOLUTION AUTHORIZING THE SANTA CLARA COUNTY FIRE MARSHAL TO ABATE WEEDS</u></b>	<b>107</b>
	Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <b><u>Adopt</u></b> Resolution Authorizing the Santa Clara County Fire Marshal to Abate Weeds.	

## ***City Council and Finance Authority Action***

### **PUBLIC HEARINGS:**

	<b>Time Estimate</b>		<b>Page</b>
10.	5 Minutes	<b><u>REFINANCING OF MORGAN HILL RANCH ASSESSMENT DISTRICT BONDS – SERIES 1994 - 1</u></b> .....	135
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		<b><u>As City Council:</u></b>	
		Action- <b><u>Adopt</u></b> the Resolution Declaring its Intention to Issue Refunding Bonds and Directing Preparation of a Reassessment Report.	
		Action- <b><u>Adopt</u></b> the Resolution Approving a Reassessment Report and Confirming Reassessments.	
		Action- <b><u>Adopt</u></b> the Resolution Authorizing the Issuance and Sale of Bonds	
		Action- <b><u>Adopt</u></b> the Resolution Making a Finding of Significant Public Benefit.	
		<b><u>As Finance Authority Commission:</u></b>	
		Action- <b><u>Adopt</u></b> the Resolution Authorizing the Issuance, Sale and Delivery of Bonds.	
		<b><u>As City Council:</u></b>	
		Action- <b><u>Approve</u></b> Agreements with RBC Dain Rauscher Inc. for Financial Advisory Services and with Richards, Watson & Gershon for Bond Counsel and Disclosure Counsel Services, and	
		Action- <b><u>Direct</u></b> the City Manager to Execute these Agreements.	

## ***City Council and Redevelopment Agency Action***

### **OTHER BUSINESS:**

	<b>Time Estimate</b>		<b>Page</b>
11.	10 Minutes	<b><u>CALIFORNIA PARK AND RECREATION SOCIETY (CPRS) FACILITY DESIGN AWARD FOR THE COMMUNITY AND CULTURAL CENTER</u></b> .....	175
		<b><u>Recommended Action(s):</u></b>	
		1. <b><u>Receive</u></b> the Staff Report on the Award Announcement; and	
		2. <b><u>Appoint</u></b> Representatives to Attend the Awards Event.	

### **FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

### **ADJOURNMENT**